

ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

August 8, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Wheeler:

As the Commission continues forward toward a successful first-of-its-kind incentive auction, we are writing to request that you consider the importance of wireless microphones to small-to-mid-sized stakeholders. As you are well aware, in 2014, the Commission decided to expand license eligibility for professional sound companies, owners, and operators of large venues that routinely use 50 or more wireless microphones.¹ These large users of wireless mics would be permitted to register in a database permitting prioritization of their spectrum usage. The FCC also determined that smaller organizations that do not regularly use 50 microphones or more would be unable to seek such protection.

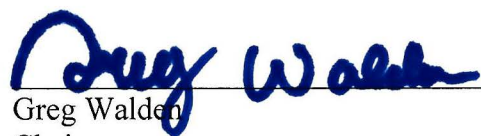
At the last oversight hearing of the Subcommittee on Communications and Technology, several members raised concerns regarding the impact of the FCC's decision on smaller entities, and we appreciate your receptiveness to the issue. Many of these smaller organizations are non-profit theatres, arts presenters, symphony orchestras, as well as opera and dance companies. These groups rely heavily on the use of wireless microphones to educate and delight audiences across the nation. Absent changes to allow small entities to license their current microphones, these non-profits will have to obtain new equipment that will operate in the new frequencies, to operate their equipment at lower power, and to pay registration fees for entry into TV white spaces databases. It would be particularly devastating for these organizations to invest in new wireless microphone equipment only to discover that their use of the equipment is significantly

¹ See *in re Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones*, Second Report and Order, WT Docket No. 08-166, WT Docket No. 08-167, ET Docket No. 20-14, 29 FCC Rcd 6103 (2014).

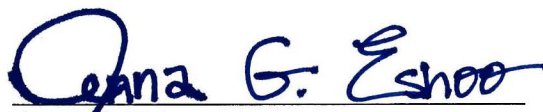
impaired by interference. Organizations, such as the Oregon Shakespeare Festival in Ashland, Oregon, will no longer be able to guarantee that the wireless microphones they use will help carry an actor's voice to the furthest seats, coordinate grips and gaffers behind the scenes, or provide video description to the visually impaired.

There are several options the Commission could consider to provide relief to low-volume wireless microphone users, including the offer of a waiver process that might permit registration for smaller entities during signature events and the reconsideration of the 50-microphone threshold. At the least, the FCC should continue to review the situation to determine how its rules may be impacting these organizations and the audiences they serve. We hope that the FCC will take action to ensure the nations' non-profit arts organizations and their audiences do not suffer from the impact of these rules.

Sincerely,

A handwritten signature in blue ink that reads "Greg Walden". The signature is written in a cursive, flowing style.

Greg Walden
Chairman
Subcommittee on Communications and
Technology

A handwritten signature in blue ink that reads "Anna G. Eshoo". The signature is written in a cursive, flowing style.

Anna G. Eshoo
Ranking Member
Subcommittee on Communications and
Technology



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 14, 2016

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
U.S. House of Representatives
2185 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Walden:

Thank you for your letter about the importance of wireless microphones to small and mid-sized stakeholders such as non-profit theaters, art presenters, symphony orchestras, and opera and dance companies. I agree that these arts organizations play an important role in our communities.

Most wireless microphones have operated in the TV band on channels that are not being used locally. The incentive auction, which is required under the Middle Class Tax Relief and Job Creation Act of 2012, reduces the spectrum available in the TV band. With less spectrum available, there will likely be fewer vacant channels on which wireless microphones can operate. To mitigate this impact, and to accommodate wireless microphones in the future, the Commission has taken several steps to facilitate wireless microphone use of available spectrum both in the post-auction, reorganized TV bands, and other frequency bands.

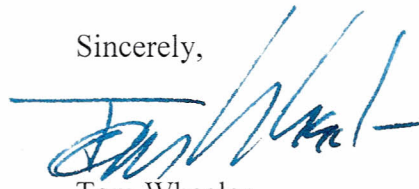
The 2014 *Incentive Auction Order* created new opportunities for wireless microphones in the spectrum that would continue to be available in the future reconfigured TV bands. As you point out, in 2014 the Commission also expanded its Part 74 license eligibility rules to include professional sound companies, owners, and operators of large venues that routinely use 50 or more wireless microphones. This enables these new licensees to register their devices in the TV white spaces databases to obtain interference protection from other unlicensed devices operating in the TV bands.

The Commission took a number of additional steps to accommodate wireless microphone operations, including facilitating greater use of available spectrum in the VHF portion of the reconfigured TV band and addressing the long-term needs of Part 74 licensed wireless microphone users in the 2015 Wireless Microphone Report and Order. This Order also provided wireless microphones with access to more licensed spectrum in three additional frequency bands (the 900 MHz, 1.4 GHz, and 7 GHz bands) where their operations would not cause harm to incumbent users.

You ask that the Commission consider taking additional action that would enable smaller non-profit theater and performing arts organizations that do not regularly use at least 50 wireless microphones, but nonetheless rely heavily on the use of wireless microphones for their performances, to operate wireless microphones without risk of harmful interference. In one of the pending proceedings affecting wireless microphone operations in the reconfigured TV bands, the Commission currently is considering a petition requesting Commission action to enable such smaller performing arts organizations to register in the TV white spaces databases and operate wireless microphones on vacant TV channels protected from interference. Commission staff are actively reviewing this petition.

I appreciate your interest in this matter. I have asked that your letter be added to the record of this proceeding so it can be considered as part of the public record that informs the next steps in the Commission's decision in the coming months. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 14, 2016

The Honorable Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter about the importance of wireless microphones to small and mid-sized stakeholders such as non-profit theaters, art presenters, symphony orchestras, and opera and dance companies. I agree that these arts organizations play an important role in our communities.

Most wireless microphones have operated in the TV band on channels that are not being used locally. The incentive auction, which is required under the Middle Class Tax Relief and Job Creation Act of 2012, reduces the spectrum available in the TV band. With less spectrum available, there will likely be fewer vacant channels on which wireless microphones can operate. To mitigate this impact, and to accommodate wireless microphones in the future, the Commission has taken several steps to facilitate wireless microphone use of available spectrum both in the post-auction, reorganized TV bands, and other frequency bands.

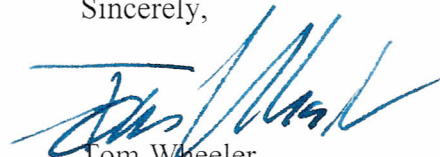
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Tom Wheeler